



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-05115

Application	General Data
Project Name: HAMMETT PROPERTIES Location: Northwest side of Brown Station Road, approximately 300 feet north of Kaine Place. Applicant/Address: Maryland Reclamation, LLC. 8211 Washington Boulevard Jessup, Maryland 20794-9466	Date Accepted: 07/17/06
	Planning Board Action Limit: 01/19/07
	Plan Acreage: 17.45
	Zone: R-E
	Lots: 10
	Parcels: 1
	Outlot: 1
	Planning Area: 78
	Tier: Developing
	Council District: 06
	Municipality: N/A
200-Scale Base Map: 203SE10	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 06/15/06
	Sign(s) Posted on Site and Notice of Hearing Mailed: 12/11/06

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-05115
Hammett Properties, Lots 1-10, Parcel A and Outlot A

OVERVIEW

The subject property is located on Tax Map 83, Grid D-1, and is known as Parcel 9. The property is zoned R-E and consists of approximately 17.45 acres. The applicant is proposing to subdivide the property into 10 lots for single-family detached houses. The applicant is also proposing one parcel to be conveyed to the Boy's and Girl's Club for recreational facilities. The property has never been the subject of a prior preliminary plan of subdivision application. The proposed lots range in size from just under one acre to 1.9 acres in area and are accessed via an internal street network with no direct access onto Brown Station Road. The parcel for the Boy's and Girl's Club will have frontage on and access to Brown Station Road. The plan also shows an outlot (Outlot A) containing woodland conservation areas and a 20-foot sewer right-of-way noted to be retained in "open space." The ultimate disposition of this outlot has yet to be determined. An "open space" outlot not controlled by a homeowner's association or some other entity is not a preferred situation. Conveyance to the adjoining property owner does not seem to be an alternative since it is to contain woodland conservation areas and a sewer easement. In this instance, staff would prefer to see Outlot A incorporated into Lot 1.

There is an existing stream associated with the Western Branch located along the northern and eastern boundaries of the subject property, as well as wetlands associated with the stream. The 50-foot stream buffer and the Patuxent River Primary Management Area (PMA) preservation area buffer associated with this stream extends onto the subject property. The applicant is proposing impacts to the PMA, as discussed in Section 2 of this report.

SETTING

The subject property is located on the northwest side of Brown Station Road, approximately 300 feet north of Kaine Place. The site is undeveloped and is approximately 75 percent wooded, particularly along the streams associated with the Western Branch. Land to the north, west and east are undeveloped farmland and woods in the R-E and R-A Zones. Properties to the south are developed with single-family residences in the R-R Zone. The southwest corner of the site adjoins a PEPCO right-of-way, against which the applicant shows the required 50-foot bufferyard.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	R-E Undeveloped	R-E Single-family Dwellings Recreational Fields
Acreage	17.45	17.45
Lots	0	10
Parcels	1	1
Outlots	0	1
Dwelling Units:		
Detached	0	10
Public Safety Mitigation Fee		No

2. **Environmental**— A review of available information indicates there are streams, wetlands, 100-year floodplain, and steep slopes on the site. Based on year 2000 air photos the site is approximately 75 percent wooded. The soil types found to occur on the subject property according to the Prince George’s County Soil Survey are Adelphia, Collington, Croom, and Shrewsbury. Based on GIS information obtained from the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened and endangered species do not occur in vicinity of the site. There are no designated scenic or historic roads adjacent to the site. There are no nearby sources of traffic-generated noise. This property is located in the Subregion VI Study Area, and the Developing Tier as reflected in the 2002 *Prince George’s County Approved General Plan*. The site contains regulated areas, evaluation areas, and gap areas within the network of the *Countywide Green Infrastructure Plan*.

Natural Resources Inventory

Signed Natural Resources Inventory NRI/030/06 was submitted with the application. The site contains streams, wetlands, 100-year floodplain, and steep slopes. The forest stand delineation (FSD) indicates two mature hardwood forest stands totaling 12.10 acres and notes the species, size and condition of nine specimen trees. Both forest stands are associated with the regulated features of the site and should be considered high priority for preservation.

The site also contains regulated areas, evaluation areas, and gap areas within the network of the *Countywide Green Infrastructure Plan*.

Environmental Impacts

The site contains significant environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], road crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. The Subdivision Regulations require that the primary management area (PMA) be “preserved in a natural state to the fullest extent possible.”

A letter of justification and associated exhibits were submitted for seven impacts to the PMA.

Impact 1 is for the installation of two separate outfall structures. The impacts are located south of proposed Lot 10, are 1,280 square feet in area, and are necessary for the safe conveyance of stormwater to the stream. Staff supports these impacts.

Impacts 2–5 are for the installation of a water line, sewer line, storm drain, and road crossing. All of the impacts are considered essential development of the site. The proposed road crossing will provide access to a developable portion of the property and the storm drain pipe, consisting of an inlet and outfall structure, is necessary to safely convey stormwater to a developable portion of the site. The water and sewer lines are located within the right-of-way and are also essential for development. These impacts are located near proposed Lot 1. The total area of the impact cannot be determined because the cumulative area of impact is not stated in the justification. Staff supports these impacts; however the total area of impact must be submitted.

Impacts 6 and 7 total 3,680 feet and are for the site grading of proposed Parcel A to construct a recreational field house and ball field. These proposed impacts will affect Regulated Areas as identified in the *Countywide Green Infrastructure Plan*. These areas have a high priority for preservation. The proposed design is partially shown on the exhibits, but not on the TCPI. Based on the proposed design, the field house and ball field can be designed with no impacts to the regulated area. The impacts should be eliminated and the revised design shown on the TCPI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract area of the property is greater than 40,000 square feet, and there are more than 10,000 square feet of existing woodland. The site contains Regulated Areas, Evaluation Areas, and Gap Areas within the network of the *Countywide Green Infrastructure Plan* and is located in the Rural Tier. Because of these network features and because the site contains significant environmental features, all woodland conservation should be met on-site. The plan currently proposes to meet the requirement on-site; however several revisions are required.

The site contains a total of 10.4 acres of woodland on the net tract and 1.70 acres within the 100-year floodplain. The TCPI proposes to clear 6.16 acres of woodland on the net tract and 0.03 acres of woodland within the floodplain. The woodland conservation threshold has been correctly calculated at 3.94 acres, or 25 percent of the net tract. This calculation is correctly reflected on the TCPI worksheet. The total requirement based on the proposed clearing has been correctly calculated at 5.51 acres. The TCPI proposes to meet the requirement by providing 3.87 acres of on-site preservation and 1.64 acres of on-site planting.

The plan shows a large clearing area on proposed Parcel A on the north section of the property. According to the letter of justification, a recreational facility is proposed on this parcel. The requirement to show the proposed development for this parcel is discussed in the previous section of the memo.

The property is adjacent to the PEPCO right-of-way. In order to provide adequate screening from this area, a 50-foot undisturbed buffer has been correctly shown along the boundary of that right-of-way. The proposed planting in this area should be established using large caliper trees that will provide adequate buffer between the right-of-way and proposed subdivision.

Reforestation/afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into

perpetual woodlands, the afforestation must be completed prior to the issuance of building permits for the site; afforestation areas should be protected by permanent tree protection devices, such as two-rail split fences or equivalent; and all afforestation adjacent to the stream valley must be placed in conservation easements at time of final plat.

Soils

According to the Prince George's County Soils Survey the principal soils on this site are in the Adelphia, Collington, Croom, and Shrewsbury series. Westphalia soils are highly erodible.

This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report in conformance with CB-94-2004 will be required during the permit process review.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the property will, therefore, be served by public systems. A change to categories W-3 and S-3 will be required prior to approval of the final plat.

3. **Community Planning**—The property is within the limits of the *Approved Master Plan and Sectional Map Amendment (SMA) for Melwood-Westphalia* (Planning Areas 77 and 78), which recommends the site for a Suburban Estate land use (up to 0.8 average dwelling units/acre). The applicant's proposal for 10 lots on this property is consistent with the master plan recommendation.

The 2002 General Plan locates this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations Lots 1, 2, 7, and 10 are exempt from mandatory dedication of parkland requirements because they are over one acre in area. Lots 8 and 9 may be exempt, but only if their net lot areas (the area of the lot minus the floodplain) are more than one acre. For all lots having a net lot area of one acre or less, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
5. **Trails**—No master plan trail issues that impact the subject site are identified in the Melwood-Westphalia Master Plan and SMA. Existing Brown Station Road is open section with no sidewalks for its entire length north of the Villages of Marlboro.
6. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did utilize traffic counts at the critical intersection in support of another application. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy - Service Level Standards

The subject property is in the developing tier, as defined in the General Plan. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing Tier.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The intersection of White House Road and Brown Station Road/Woodlawn Boulevard is determined to be the critical intersection for the subject property. This intersection is signalized, and would serve a majority all of the site-generated traffic. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Counts were initially requested of this applicant. In responses provided to the Subdivision Section, the applicant stated that the development would be *de minimus*, and the request to provide counts was refused. For the record, the statement regarding a *de minimus* impact is incorrect. The Guidelines provide a straightforward definition of the circumstance in which a development may be considered to have a *de minimus* impact, and this development does not meet the stated circumstance. Nonetheless, at approximately the same date as that correspondence, staff identified recent traffic counts done in January 2006 for Grasslyn (Preliminary Plan of Subdivision 4-05083) that can be used to analyze this application.

The counts indicate that the critical intersection operates at Level-of-Service (LOS) A, with a critical lane volume (CLV) of 770, during the AM peak hour. During the PM peak hour, the intersection operates at LOS A with a CLV of 898.

As previously noted, there are no funded capital projects at this intersection in either the county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersection. Seven approved but unbuilt developments that would affect the intersection have been reviewed and counted by staff:

- Watkins Place, 4-03039, for 260 condominiums (45 percent of site traffic uses the intersection);
- Winshire, 4-89162, for 90 lots (20 percent of site traffic uses the intersection);
- Greater Morningstar Church, 4-97107, for a church of 80,000 square feet and a private school of 250 students (30 percent of site traffic uses the intersection);

- Heritage Glen, 4-02019, for 113 lots (20 percent of site traffic uses the intersection);
- D’Arcy Park North, 4-05113, for 333 townhouses and 168 apartments (5 percent of site traffic uses the intersection);
- D’Arcy Park South, 4-05116, for 383 townhouses and 173 apartments (5 percent of site traffic uses the intersection);
- Grasslyn, 4-05083, for 83 lots (10 percent of site traffic uses the intersection).

Annual rates of through-traffic growth of 5.0 percent and 3.5 percent along the peak and off-peak directions, respectively, of White House Road have been assumed. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS A, with a CLV of 904; PM peak hour—LOS B, with a CLV of 1,054.

With the development of 10 single-family detached residences, the site would generate 8 AM (2 in and 6 out) and 9 PM (6 in and 3 out) peak hour vehicle trips. The site was analyzed with the following trip distribution:

55 percent—West along White House Road
 20 percent—North along Woodlawn Boulevard
 5 percent—East along White House Road
 20 percent—South along Brown Station Road

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS A, with a CLV of 910; PM peak hour—LOS B with a CLV of 1,061. Therefore, the critical intersection operates acceptably under total traffic.

Brown Station Road is a collector facility within a right-of-way of 80 feet. The plan reflects adequate dedication of 40 feet from centerline.

At the Subdivision Review Committee meeting of August 11, 2006, the question of access to the adjacent Rauch, et. al. property, shown as Parcel 7 immediately west of the subject property, was raised. The applicant addressed the matter by stating that Parcel 13, which is north and adjacent to Parcel 7, is owned by the same family, has frontage on both White House Road and Brown Station Road, and can suffice for access. Nonetheless, there are different names on the tax records, and staff cannot ascertain that Parcels 7 and 13 have identical interests. The applicant was requested to provide some sort of statement from the Rauch family, and such a statement would appear to still be necessary. Therefore, it is recommended that Road A shown on the plan be platted to provide a stub street connection to Parcel 7. This condition would be waived in the event that a statement is received from the owner of Parcel 7 indicating that access through the subject subdivision is not needed for the ultimate development of that property.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with conditions consistent with the above findings.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	10 sfd	10 sfd	10 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.4	0.6	1.2
Actual Enrollment	3,965	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	938.64	235.92	472.92
Total Enrollment	5,082.28	7,566.58	11,536.24
State Rated Capacity	4,140	6,569	8,920
Percent Capacity	122.76%	115.19%	129.33%

Source: Prince George’s County Planning Department, M-NCPPC, December 2005

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia, \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority, or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Kentland, Company 46, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The preliminary plan is located in Police District II.

The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on July 17, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-06/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on June 5, 2006. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police facilities have been met

10. **Health Department**—The Health Department has reviewed the application and has no comments.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, CSD 15260-2006-00, has been approved by the Prince George’s County Department of Environmental Resources. It contains conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. Copies of the stormwater management concept approval letter and plan have been submitted.

12. **Historic**—In accordance with the Planning Board’s directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George’s County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples. The reasons for this recommendation are:
1. A tributary of the Western Branch of the Patuxent River runs through the northern part of the parcel.
 2. Two historic archeological sites, 18PR605 and 18PR733, and one prehistoric site, 18PR450, have been identified within a one-mile radius of the subject property. Site 18PR605 is the location of the Chesapeake Beach Railway and site 18PR733 is a late 19th or early 20th century house site. Prehistoric site 18PR450 is a late archaic to late woodland short-term camp. From an examination of aerial photographs the subject property appears to have been in cultivation throughout the 20th century and no standing structures are apparent. However, the possibility of the property containing prehistoric archeological resources is moderate due to the presence of a tributary of the Western Branch of the Patuxent running through the northern portion of the property.
13. **Access to Parcel A**—The applicant is proposing access to the proposed recreational facilities on Parcel A via a driveway from the west side of Brown Station Road. This section of Brown Station Road has several curves that limit sight distance. The Department of Public Works and Transportation did not identify concerns with sight distance in their referral for this case, but it is significant enough to warrant further investigation. Prior to signature approval of the preliminary plan, the applicant should submit evidence that DPW&T will not be denying access to Parcel A from Brown Station Road. If access is denied, alternative access must be provided or Parcel A absorbed into adjoining lots.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised to eliminate impacts 6 and 7 and show woodland preservation in these areas. The proposed design of the recreational facilities shall be revised and shown on the TCPI with no impacts to the PMA. The cumulative area for impacts 2 through 5 shall be provided.
2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area and all associated planting, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

3. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
4. All reforestation/afforestation within the 50-foot non-disturbance buffer shall be implemented with larger caliper trees.
5. All afforestation/reforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation and fence installation have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
6. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on approved Type I Tree Conservation Plan (TCPI/35/06), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
7. Prior to signature approval, the preliminary plan shall be modified to show Road A as a stub street connection to Parcel 7. This condition shall be waived in the event that a statement is received from the owner of Parcel 7 indicating that access through the subject subdivision is not needed for the ultimate development of that property.
8. At the time of final plat approval, the applicant shall dedicate right-of-way along Brown Station Road of 40 feet from centerline, as shown on the submitted plan.
9. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
10. Development of this site shall be in conformance with Stormwater Management Concept Plan 15260-2006-00 and any subsequent revisions.
11. Prior to signature approval of the preliminary plan, Outlot A shall be incorporated into Lot 1.
12. Prior to approval of this preliminary plan, Phase I (Identification) archeological investigations shall be undertaken on the above-referenced property to determine if any cultural resources related to Native-American or African-American peoples are present. The potential for significant prehistoric archeological resources is moderate. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.
 - a. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any detailed site plan or final plat, the applicant shall provide a plan for:
 - i.) Evaluating the resource at the Phase II level, or

- ii.) Avoiding and preserving the resource in place.
 - b. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.
13. Prior to signature approval of the preliminary plan, the applicant shall submit evidence that DPW&T will not be denying access to Parcel A from Brown Station Road. If access is denied, alternative access must be provided or Parcel A absorbed into adjoining lots.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN TCPI/35/06,
SUBJECT TO CONDITIONS.